



Reprinted
February 5, 2002

SENATE BILL No. 240

DIGEST OF SB 240 (Updated February 4, 2002 4:14 PM - DI 92)

Citations Affected: IC 4-33.

Synopsis: Riverboat ownership. Removes the prohibition on a riverboat owner from owning more than a 10% interest in another riverboat. Permits a person to own up to a 100% interest in not more than two riverboats. Provides that a person may not have an ownership interest in more than two riverboat owner's licenses. Specifies that a person is considered to have an ownership interest in a riverboat owner's license if the interest is owned directly or indirectly by the person or by an entity controlled by the person. Makes a technical correction.

Effective: Upon passage; July 1, 2002.

Server, Lewis

January 7, 2002, read first time and referred to Committee on Commerce and Consumer Affairs.

January 24, 2002, reported favorably — Do Pass.

February 4, 2002, read second time, amended, ordered engrossed.

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Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

SENATE BILL No. 240

A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 4-33-6-1 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2002]: Sec. 1. (a) The commission may issue
3 to a person a license to own ~~one~~ **(1)** a riverboat subject to the numerical
4 and geographical limitation of owner's licenses under this section,
5 **section 3.5 of this chapter**, and IC 4-33-4-17. However, not more than
6 eleven (11) owner's licenses may be in effect at any time. Except as
7 provided in subsection (b), those eleven (11) licenses are as follows:
8 (1) Two (2) licenses for a riverboat that operates from the largest
9 city located in the counties described under IC 4-33-1-1(1).
10 (2) One (1) license for a riverboat that operates from the second
11 largest city located in the counties described under
12 IC 4-33-1-1(1).
13 (3) One (1) license for a riverboat that operates from the third
14 largest city located in the counties described under
15 IC 4-33-1-1(1).
16 (4) One (1) license for a city located in the counties described
17 under IC 4-33-1-1(1). This license may not be issued to a city

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described in subdivisions (1) through (3).

(5) A total of five (5) licenses for riverboats that operate upon the Ohio River from counties described under IC 4-33-1-1(2). The commission may not issue a license to an applicant if the issuance of the license would result in more than one (1) riverboat operating from a county described in IC 4-33-1-1(2).

(6) One (1) license for a riverboat that operates upon Patoka Lake from a county described under IC 4-33-1-1(3).

(b) If a city described in subsection (a)(2) or (a)(3) conducts two (2) elections under section 20 of this chapter, and the voters of the city do not vote in favor of permitting riverboat gambling at either of those elections, the license assigned to that city under subsection (a)(2) or (a)(3) may be issued to any city that:

- (1) does not already have a riverboat operating from the city; and
- (2) is located in a county described in IC 4-33-1-1(1).

SECTION 2. IC 4-33-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. The commission may not issue an owner's license under this chapter to a person if:

- (1) the person has been convicted of a felony under Indiana law, the laws of any other state, or laws of the United States;
- (2) the person has knowingly or intentionally submitted an application for a license under this chapter that contains false information;
- (3) the person is a member of the commission;
- (4) the person is an officer, a director, or a managerial employee of a person described in subdivision (1) or (2);
- (5) the person employs an individual who:
 - (A) is described in subdivision (1), (2), or (3); and
 - (B) participates in the management or operation of gambling operations authorized under this article;
- (6) the person owns an ownership interest of more than ~~ten percent (10%)~~ **in more than one (1) other person holding an owner's license issued under the total amount of ownership interest permitted under section 3.5 of this chapter;** or
- (7) a license issued to the person:
 - (A) under this article; or
 - (B) to own or operate gambling facilities in another jurisdiction;
 has been revoked.

SECTION 3. IC 4-33-6-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 3.5. (a) For purposes of this section, a person is**



1 considered to have an ownership interest in a riverboat owner's
 2 license if the interest is owned directly or indirectly by the person
 3 or by an entity controlled by the person.

4 (b) A person may have up to a one hundred percent (100%)
 5 ownership interest in not more than two (2) riverboat licenses
 6 issued under this chapter.

7 (c) A person may not have an ownership interest in more than
 8 two (2) riverboat owner's licenses issued under this chapter.

9 (d) This section may not be construed to increase the maximum
 10 number of licenses permitted under section 1 of this chapter or the
 11 number of riverboats that may be owned and operated under a
 12 license under section 10 of this chapter.

13 SECTION 4. IC 4-33-7-3 IS AMENDED TO READ AS FOLLOWS
 14 [EFFECTIVE UPON PASSAGE]: Sec. 3. A person may not receive a
 15 supplier's license if:

16 (1) the person has been convicted of a felony under Indiana law,
 17 the laws of any other state, or laws of the United States;

18 (2) the person has knowingly or intentionally submitted an
 19 application for a license under this chapter that contains false
 20 information;

21 (3) the person is a member of the commission;

22 (4) the person is an officer, a director, or a managerial employee
 23 of a person described in subdivision (1) or (2);

24 (5) the person employs an individual who:

25 (A) is described in subdivision (1), (2), or (3); and

26 (B) participates in the management or operation of gambling
 27 operations authorized under this article;

28 (6) the person owns more than a ten percent (10%) ownership
 29 interest in any other person holding an owner's license issued
 30 under this ~~chapter~~; **article**; or

31 (7) a license issued to the person:

32 (A) under this article; or

33 (B) to supply gaming supplies in another jurisdiction;
 34 has been revoked.

35 SECTION 5. **An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. President: The Senate Committee on Commerce and Consumer Affairs, to which was referred Senate Bill No. 240, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 240 as introduced.)

SERVER, Chairperson

Committee Vote: Yeas 6, Nays 4.

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SENATE MOTION

Mr. President: I move that Senate Bill 240 be amended to read as follows:

Page 3, after line 12 , begin a new paragraph and insert:

"SECTION 1. IC 4-33-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. A person may not receive a supplier's license if:

- (1) the person has been convicted of a felony under Indiana law, the laws of any other state, or laws of the United States;
- (2) the person has knowingly or intentionally submitted an application for a license under this chapter that contains false information;
- (3) the person is a member of the commission;
- (4) the person is an officer, a director, or a managerial employee of a person described in subdivision (1) or (2);
- (5) the person employs an individual who:
 - (A) is described in subdivision (1), (2), or (3); and
 - (B) participates in the management or operation of gambling operations authorized under this article;
- (6) the person owns more than a ten percent (10%) ownership interest in any other person holding an owner's license issued under this ~~chapter~~ **article**; or
- (7) a license issued to the person:
 - (A) under this article; or
 - (B) to supply gaming supplies in another jurisdiction; has been revoked.

SECTION 2. **An emergency is declared for this act.**"

(Reference is to SB 240 as printed January 25, 2002.)

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